

TITLE NINE - Recreation

Article 941. Parks.

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ARTICLE 941

Parks

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CROSS REFERENCES

Public bathing places - See 35 P.S. §672 et seq

Disorderly conduct in parks - See GEN. OFF. Art. 705

Fighting; intoxication in parks - See GEN. OFF. Art. 705

Recreation fees and charges - See GEN. OFF. Art. 729

941.01 DEFINITIONS.

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(a) "Alcoholic beverages" means any beverage with an alcoholic content of more than two percent (2%).

(b) "City" means the City of Bethlehem.

(c) "Director" means the Director of the Department of Parks and Public Property.

(d) "Park" means a park, reservation, playground, recreation center or any other area in the City, owned or used by the City, and devoted to active or passive recreation.

(e) "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.

(f) "Vehicle" means any wheeled conveyance, whether motor-powered, animal-drawn or self-propelled. The term shall include any trailer in tow of any size, kind or description. An exception is made for baby carriages and vehicles in the service of the City parks.

941.02 PARK PROPERTY.

(a) Buildings and Other Property.

- (1) Disfiguration and removal. No person shall willfully mark, deface, disfigure, damage, tamper with or displace or remove, any building, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.
- (2) Restrooms and washrooms. No person shall fail to cooperate in maintaining restrooms and washrooms in a park in a neat and sanitary condition. No person over the age of four years shall use the restrooms and washrooms in a park designated for the opposite sex.

- (3) Removal of natural resources. No person shall dig or remove any beach sand, whether submerged or not, or any soil, rock, stones, trees, shrubs or plants, down-timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency within a park.
- (4) Erection of structures. No person shall construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon or across park lands, except on special written permit issued as set forth in Section 941.08.

(b) Trees, Shrubbery and Lawns.

- (1) Injury and removal. No person shall damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant within a park, nor shall any person attach any rope, wire or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure
- (2) Climbing trees, etc. No person shall climb any tree, or walk, stand or sit upon monuments, vases, fountains, railing, fences, walls or upon any other park property not designated or customarily used for such purposes.
- (3) Hitching of animals. No person shall tie or hitch a horse or other animal to any tree or plant in a park.

(c) Wild Animals, Birds, Etc.

- (1) Hunting. No person in a park shall hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile or bird; nor shall any person remove or have in his possession the young of any wild animal, or the eggs, nest, or young of any reptile or bird; nor shall he collect, remove, have in his possession, give away, sell or offer to sell, or buy or offer to buy, or accept as a gift, any specimen alive or dead of any of the group of tree snails. Exception to the foregoing is made in that

snakes known to be deadly poisonous, such as rattlesnakes, moccasins, coral snakes, or other deadly reptiles, may be killed on sight.

- (2) Feeding. No person shall give or offer, or attempt to give to any animal or bird in a park any tobacco, alcohol or other known noxious substances. (Ord. 2211 §3. Passed 9/22/70.)

941.03 SANITATION.

(a) Pollution of Waters. No person in a park shall throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream or other body of water in or adjacent to any park or any tributary, stream, storm sewer or drain flowing into such water, any substance, matter or thing, liquid or solid, which will or may result in the pollution of such waters.

(b) Refuse and Trash. No person in a park shall have brought in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish or other trash. No such dirt, refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere. (Ord. 2211 §4. Passed 9/22/70.)

941.04 TRAFFIC.

(a) State Motor Vehicle Laws Apply. No person in a park shall fail to comply with all applicable provisions of the State motor vehicle traffic laws in regard to equipment and operation of vehicles together with such regulations as are contained in this article and other ordinances.

(b) Enforcement of Traffic Regulations. No person shall fail to obey all traffic officers and park employees, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets or roads immediately adjacent thereto in accordance with the provisions of these regulations and such supplementary regulations as may be issued subsequently by the Director of the Department of Parks and Public Property.

(c) Obey Traffic Signs. No person shall fail to observe carefully all traffic and parking signs in parks.

(d) Speed of Vehicles. No person in a park shall ride or drive a vehicle at a rate of speed exceeding fifteen miles an hour, except upon such roads as the Director may designate, by posted signs.

(e) Operation Confined to Roads. No person shall drive any vehicle on any area except the paved park roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the Director.

(f) Parking.

- (1) Designated areas. No person shall park a vehicle in other than an established or designated parking area in a park, and such use shall be in accordance with the posted directions and with the instructions of any attendant who may be present.
- (2) Night Parking. No person shall leave a vehicle in a park standing or parked at night without lights clearly visible for at least twenty feet from both front and rear on any driveway or road area except legally established parking areas.
- (3) Emergency procedure. No person in a park shall fail to immediately notify, within one hour, an attendant or the police of an emergency in the nature of a breakdown requiring the assistance of a tow truck, mechanic or other person.
- (4) Double parking. No person shall double park any vehicle on any road or parkway unless directed by a park official.

(g) Bicycles.

- (1) Confined to roads. No person in a park shall ride a bicycle on other than a paved vehicular road or path designated for that purpose. A bicyclist shall be permitted

to push a bicycle by hand over any grassy area or wooded trail or on any paved area reserved for pedestrian use.

- (2) Racks. No person in a park shall leave a bicycle in a place other than a bicycle rack when such is provided and there is a space available.
- (3) Immobile. No person in a park shall leave a bicycle lying on the ground or paving, or set against trees, or in any place or position so as to present any obstruction to pedestrian or vehicular traffic. (Ord. 2211 §5. Passed 9/22/70.)

941.05 RECREATIONAL ACTIVITIES.

(a) Bathing and Swimming.

- (1) Designated areas. No person in a park shall swim, bathe or wade in any waters in or adjacent to any park, except in such waters and at such places as are provided therefor, and in compliance with such regulations as are herein set forth or may be hereafter adopted.
- (2) Certain hours. No person shall frequent any park waters or places designated for the purpose of swimming or bathing, or congregate there, except between such hours the day as shall be designated by the Director of the Department of Parks and Public Property for such purposes for each individual area.
- (3) Bathhouses. No person shall dress or undress in any vehicle, toilet or other place in a park, except in such bathing houses or structures as may be provided for that purpose.

(b) Boating.

- (1) Designated areas. No person shall bring into a park or operate any boat, raft or other watercraft, whether motor-powered or not, upon any waters, except at places designated for boating by the Director. Such activity shall be in accordance with applicable regulations as are now or may hereafter be adopted.

- (2) Public docks. No person shall use the public docks for dockage or other purpose without first making arrangements for such accommodation with the Director, who shall assign space and collect reasonable rental charges in conformity with established regulations and rates.
- (3) Operation of boats. No person in a park shall navigate, direct or handle any boat in such a manner as to annoy or frighten or endanger the occupants of any other boat.
- (4) Prohibition during closing hours. No person shall launch, dock or operate any boat of any kind on any waters between the closing hour of the park at night and opening hour the following morning, nor shall any person be on, or remain on or in, any boat during the closed hours of the park.

(c) Hunting and Firearms. No person in any park shall hunt, trap or pursue wildlife at any time. No person shall use, carry or possess firearms of any description, or air rifles, spring guns, bow and arrows, slings or any other forms of weapons potentially inimical to wildlife and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device. Shooting into park areas from beyond park boundaries is forbidden.

(d) Picnic Areas and Use.

- (1) Regulated. No person in a park shall picnic or lunch in a place other than those designated for that purpose. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.
- (2) Availability. No person in a park shall violate the regulation that use of the individual fireplaces together with tables and benches follows the rule of "first come, first served," unless a permit has been obtained from the Director.

- (3) Duty of picnicker. No person shall leave a picnic area before the fire is completely extinguished and before all dirt, garbage and trash is placed in the disposal receptacles where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

(e) Camping. No person shall camp in other than permanent park areas for organized camping, provided by the Director and used by groups of persons under adequate supervision.

(f) Games. No person in a park shall take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, quoits, stones, arrows, javelins or model airplanes except in areas set apart for such forms of recreation.

(g) Horseback Riding. No person in a park shall ride a horse except on designated bridle trails. Where permitted, horses shall be thoroughly broken and properly restrained, and ridden with due care and shall not be allowed to graze or go unattended, nor shall they be hitched to any rock, tree or shrub. (Ord. 2211 §6. Passed 9/22/70.)

941.06 BEHAVIOR.

(a) Alcoholic Beverages. No alcoholic beverages shall be brought into or consumed in any City park except Illick's Mill, Saucon and South Mountain.

- (1) Restrictions. Where alcoholic beverages are permitted the following restrictions shall apply:

(A) Alcoholic beverage use is limited to malt or brewed beverages (beer, ale, malt liquor). Distilled spirits such as whiskey, scotch, gin or any alcoholic beverage with an alcoholic content of more than seven percent (7%) are prohibited.

(B) Permitted containers are metallic, with maximum content of sixteen ounces.

No alcoholic beverages shall be consumed in any parking lot, parking area or roadway in any park.
(Ord. 2573 §2. Passed 9/6/77.)

- (2) Monocacy Complex. Facilities located along Illick's Mill Road, known as the Monocacy Complex, specifically that area from the Municipal Ice Rink to the Tennis Courts, may be utilized by incorporated associations, indigenous to the City of Bethlehem, after an appropriate license is issued by the Director of Parks and Public Property. The restrictions of Subsection (a) (1) shall not apply to the use of the Monocacy Complex by such associations. (Ord. 2899. Passed 7/5/83.)

- (3) Drunkenness. No person in a park shall be under the influence of intoxicating liquor.

(b) Fireworks and Explosives. No person in a park shall have brought, or have in his possession, or set off or otherwise cause to explode or discharge or burn, any firecrackers, torpedo, rockets or other fireworks or explosives or inflammable material, or discharge them or throw them into any such area from land or highway adjacent thereto. This prohibition includes any substance, compound, mixture or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints.

(c) Domestic Animals. No person in a park shall be responsible for the entry of a dog or other domestic animal into areas other than automobile parking concourses and walks immediately adjacent thereto, and in such other areas as may be clearly marked by signs bearing the words "Domestic Animals Permitted in This Area." Nothing herein shall be construed as permitting the running of dogs at large.

(d) Fires. No person in a park shall build or attempt to build a fire except in such areas and under such regulations as may be designated by the Director of the Department of Parks and Public Property. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material, within any park area or on any highway, road or street abutting or contiguous thereto.

(e) Closed Areas. No person shall enter a park area posted as "Closed to the Public," nor shall any person use, or abet the use of any area in violation of posted notices.

(f) Games of Chance. No person shall gamble or participate in or abet any game of chance in a park.

(g) Going Onto Ice. No person shall go onto the ice on any park waters except such areas as are designated as skating fields, and provided that skating is authorized.

(h) Loitering and Boisterousness. No person shall sleep or protractedly lounge on seats, benches or other park area, or engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace.

(i) Exhibit Permits. No person in a park shall fail to produce and exhibit any permit from the Director he claims to have upon request of any authorized person who desires to inspect the permit for the purpose of enforcing compliance with any ordinance or rule.

(j) Interference. No person shall disturb or interfere unreasonably with any person occupying any park area, or participating in any activity. (Ord. 2211 Sec. 7. Passed 9/22/70.)

941.07 MERCHANDISING, ADVERTISING AND SIGNS.

(a) Vending and Peddling. No person shall, in a park, expose or offer for sale any article or thing, nor station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing. Exception is here made as to any regularly licensed concessionaire acting by and under the authority and regulation of the Director of the Department of Parks and Public Property. (Ord. 2211 §8. Passed 9/22/76.)

(b) Advertising. No person in a park shall announce, advertise or call the public attention in any way to any article or service for sale or hire, except as provided for in subsection (d) hereof.

(c) Signs. No person shall paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever within a park, nor shall any

person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park, except as provided for in subsection (d) hereof.

(d) Exceptions. The Little League or other duly organized youth organization, may upon application and written approval by the Director of Parks and Public Property and in accordance with the following provisions and restrictions, erect, or cause to be erected, signs promoting the interests or services of their sponsors:

- (1) Signs may be placed only on fences enclosing a playing or athletic field.
- (2) Advertising may be placed only on the side of the sign that is nearest the field of play.
- (3) All signs, to the extent possible, shall be uniform in size, but in any event no sign may be larger than four feet by eight feet (4' x 8').
- (4) Should any athletic or playing field be used by more than one organization, either concurrently or consecutively, then the Director shall be authorized to equally apportion areas for signs or may require an organization to remove all signs at the completion of the normal playing season.
- (5) Remuneration such as rental fees, if any, shall be a matter of private concern between the sponsor and the organization with no involvement whatsoever by the City or any of its officials thereof.
- (6) Council may, in any event, at any time, without regard to, and without incurring any liability whatsoever, direct that all signs erected be removed. The responsibility for removing signs shall be upon the organization ejecting them. (Ord. 2462. Passed 3/18/75.)

941.08 OPERATING POLICY.

(a) Hours. Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year from 6:00 A.M. The Director of Parks and Public Property is authorized to close City parks at 6:00 P.M. during the part of the year governed by Eastern Standard Time. During the part of the year governed by Daylight Savings Time, the parks will close at 9:00 P.M., with the exception of the following which will close at 11:00 P.M.: lighted baseball fields at Monocacy, lighted tennis and basketball courts at Sand Island, lighted athletic fields at Saucon, Golf Course Driving-Range, and Miniature Golf Course. The Director of Parks and Public Property is authorized to extend the hours for special events upon the request of any group or organization, provided such request is made at least forty-eight hours prior to the date of the special event. No individual shall enter any park area before the opening hours or remain in any park after closing hours, unless such individual has written permission of the Director of Parks and Public Property. (Ord. 3010-Passed 9/3/85; Ord. 3426-Passed 8/6/91,)

(b) Closed Areas. Any section or part of any park may be declared closed to the public by the Director of the Department of Parks and Public Property at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the Director shall find reasonably necessary.

(c) Permit. A permit shall be obtained from the Director before participating in a park activity.

(1) Application. A person seeking issuance of a permit hereunder shall file an application with the Director. The application shall state:

- (A) The name and address of the applicant;
- (B) The name and address of the person sponsoring the activity;
- (C) The day and hours for which the permit is desired;
- (D) The park or portion thereof for which such permit is desired;

- (E) An estimate of the anticipated attendance;
 - (F) Any other information which the Director finds reasonably necessary to a fair determination as to whether a permit should be issued.
- (2) Standards for issuance. The Director shall issue a permit hereunder when he finds that:
- (A) The proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;
 - (B) The proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;
 - (C) The proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct;
 - (D) The proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the City;
 - (E) The facilities desired have not been reserved for other use at the day and hour required in the application.
- (3) Appeal. Within ten days after receipt of an application the Director shall apprise an applicant in writing of his reasons for refusing a permit, and any aggrieved person shall have the right to appeal in writing within ten days to Council, which shall consider the application under the standards set forth in subsection (c) (2) hereof and sustain or overrule the Director's decision within twenty-one days. The decision of Council shall be final.
- (4) Effect of permit. A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in permits.

- (5) Liability of permittee. The person or persons to whom a permit is issued shall be liable for any loss, damage or injury sustained by any person or the City whatever by reason of the negligence of the person or persons to whom such permit has been issued.
- (6) Revocation. The Director shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance, or upon cause shown. (Ord. 2211 §9. Passed 9/22/70.)

941.09 ENFORCEMENT.

(a) Officials. The Director of the Department of Parks and Public Property and park attendants shall, in connection with their duties imposed by law, diligently enforce the provisions of this article.

(b) Ejectment. The Director and any park attendant shall have the authority to eject from the park any person acting in violation of this article.

(c) Seizure of Property. The Director and any park attendant shall have the authority to seize and confiscate any property, thing or device in a park which violates or is used in violation of this article. (Ord. 2211 §10. Passed 9/22/70.)

941.99 PENALTY.

Any person who violates any provision of this Article shall be subject to the following penalties:

- (a) First violation - A fine of \$200.00, or thirty days imprisonment, or both;
- (b) Second violation - A fine of \$500.00, or sixty days imprisonment, or both;
- (c) Third and each subsequent violation - A fine of \$1,000.00, or ninety days imprisonment, or both. (Ord. 3038. Passed 10/22/85; Ord. 3242. Passed 2/7/89.)